District Court Application

Pursuant to Order 49 Rule 15 of the District Court Rules 1997, the applicant seeks leave to prosecute the offence of battery committed on 7 June 2025, which constitutes attempted murder.

First Offence (Battery)

Pursuant to Order 49 Rule 15 District Court Rules 1997, the applicant applies for leave to prosecute the offence of battery committed on 7 June 2025.

Second Offence (Attempted Murder)

The applicant further applies for leave to prosecute the offence of attempted murder committed on the same date, arising directly from the battery.

Should the Court find either offence beyond its jurisdiction, the applicant requests immediate transmission to the Circuit Criminal Court for return for trial. The applicant further seeks all other relief as the Court deems just, including an order restraining any respondent or any agent of the respondents — in particular any member of An Garda Síochána — from interfering with the applicant, the proceedings, or any related evidence.

I Say:

The Minister for Justice, pursuant to section 23 of the Garda Síochána Act 2005, is vested with statutory power to issue binding policy directions to the Garda Commissioner. Where such policy authorises, facilitates, or foreseeably leads to the use of lethal force in an arrest, the Minister is personally liable in tort for negligence and breach of statutory duty, in constitutional law for failure to vindicate Articles 40.3.1° and 40.6.1°, and under section 2 of the Criminal Justice (Theft and Fraud Offences) Act 2001 for abuse of office.

The Minister's policy direction under section 23, when combined with section 7(1)(f), impermissibly vests in the executive branch the exclusive judicial function of determining guilt and administering justice, in violation of Article 34.1° of Bunreacht na hÉireann, thereby establishing a statutory dictatorship.

Section 7(5) of the Garda Síochána Act 2005 immunises the Garda Síochána from liability for attempted murder committed in purported performance of duty; this immunity is repugnant to the constitutional right to life (Article 40.3.1°) and to an effective remedy (Article 40.3.2°), rendering the Minister personally accountable for every such assault.

On 12 June 2025 the complainant instructed Garda member LK161 to investigate an alleged crime; separate complaints were lodged with Fiosrú. Both the Garda Síochána and Fiosrú have abjectly failed to investigate. Pursuant to section 23 of the Garda Síochána Act 2005 the Minister for Justice bears ultimate responsibility for such policy failures, as the Commissioner must comply with Ministerial directions; the persistent refusal to investigate constitutes a direct consequence of the Minister's oversight and policy framework, rendering the Minister personally accountable for breach of statutory duty and failure to vindicate the citizen's constitutional rights under Articles 40.3.1° and 40.3.2° of Bunreacht na hÉireann.

Under the Policing, Security and Community Safety Act 2024 (s. 82), the Police Ombudsman must inform the Garda Commissioner without delay upon receipt of a complaint involving serious misconduct. Evidence confirms notice was given. Notwithstanding such notice the Commissioner has failed to initiate investigation into the attempted murder of 7 June 2025 and has refused to refer the matter to the Director of Public Prosecutions. The Commissioner’s omission constitutes a breach of the common law duty to investigate serious crime and is directly attributable to Ministerial policy under section 23 of the Garda Síochána Act 2005, thereby rendering the Minister personally responsible for the continued non-vindication of the complainant’s rights.

Personal attempts to obtain access to files from the Chief State Solicitor’s Office (Ms Marie Brown) have been obstructed. Attempts to bring the case before the High Court in Dublin and to refer it to the High Court in Limerick have been obstructed by Gardaí in the courtrooms. Judges have run away when offered the files. The registers of these judges record their claim of illiteracy. On tenth December 2025, the seventy-seventh anniversary of the Universal Declaration of Human Rights, the matter was refused by Judge Harney who claimed ultra vires.

Constructive abandonment of statutory duty by a Deputy of Dáil Éireann occurs where the Deputy, having actual or constructive knowledge of a breach of law or constitutional right by a State organ, fails to take any step to compel performance, thereby wilfully allowing the duty to remain unfulfilled. All Deputies representing Limerick constituencies in Dáil Éireann, and the Senator elected for Limerick in Seanad Éireann, have been personally served, by electronic mail, with full particulars of the alleged non-constitutional behaviour of State organs. Each has, to date, maintained absolute silence in their respective Houses. Such deliberate silence constitutes constructive ratification of the unconstitutional acts and, upon proof before a court, will be deemed complicity in breach of statutory and constitutional duty.

Constructive abandonment of statutory duty by a Deputy of Dáil Éireann occurs where the Deputy, having actual or constructive knowledge of a breach of law or constitutional right by a State organ, fails to take any step to compel performance, thereby wilfully allowing the duty to remain unfulfilled.

Such abandonment is actionable as:

1. breach of Article 28.4.1° (collective responsibility) where the Deputy is a member of Government;
2. breach of Article 15.2.1° (legislative power exercised in interest of the State) where the Deputy sits idle in the Dáil;
3. misfeasance in public office where the Deputy knowingly permits the breach for political expediency;
4. constructive fraud under the common law where the Deputy assumes a duty of care and then neglects it.

Respondents:

- Jim O'Callaghan, TD (Minister for Justice)
- Willie O'Dea, TD (Limerick City)
- Kieran O'Donnell, TD (Limerick City)
- Maurice Quinlivan, TD (Limerick City)
- Conor Sheehan, TD (Limerick City)
- Dee Ryan, Senator (Seanad Éireann, Limerick panel)

Address; Houses of Oireachtas, Kildare Street Dublin 2., Éire